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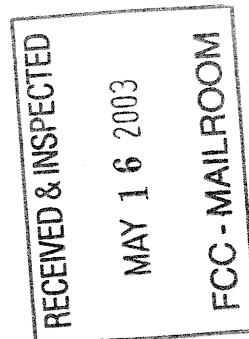
**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

MAY 14 2003

**IN REPLY REFER TO:
1800B3-EB**

Robert Koob, President
University of Northern Iowa
324 Communications Arts Center
Cedar Falls, IA 50614

In Re: NEW(FM), Mitchellville, Iowa
Facility No. 90336
University of Northern Iowa
File No. BPED-19980319MQ
Application for Construction Permit



Request for Waiver of 47 C.F.R. § 73.1125
(Main Studio Rule)

Dear Mr. Koob:

This staff has under consideration the above-referenced application for a new noncommercial educational ("NCE") FM station in Mitchellville, Iowa, filed by the University of Northern Iowa ("UNI"). In the application, UNI also seeks a waiver of 47 C.F.R. § 73.1125 in order to operate the Mitchellville facility as a satellite of its commonly owned NCE FM station KUNI(FM), Cedar Falls, Iowa.¹ For the reasons set forth below, we will waive Section 73.1125.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community of license, (2) within the principal community contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community of license. *See Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd 15 691 (1998), *recon. granted in part*, 14 FCC Rcd 11 113 (1999) ("*Reconsideration Order*"). However, under Section 73.1125(b)(2), the Commission will waive these requirements where good cause exists to do so and where the proposed studio location "would be consistent with the operation of the station in the public interest." Each waiver request by an NCE station seeking to operate as the satellite of another NCE station is considered on a case-by-case basis. The Commission has recognized the benefits of centralized operation for NCE stations, given their limited funding, and thus found good cause exists to waive the main studio location requirement where satellite operations are proposed. *Id.* A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard. *Id.*

UNI's request is based on the economies of scale which would be realized by grant of its waiver, *e.g.*, avoiding the cost of equipping, staffing, and operating a studio in the Mitchellville area. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a) under these circumstances. As noted above, UNI proposes to operate the Mitchellville, Iowa station as a satellite station of KUNI(FM), Cedar Falls, Iowa, approximately 121 kilometers from

¹ A "satellite" meets all of the Commission's technical rules. However, it originates no programming and instead rebroadcasts the parent station's programming. *See Amendment of Multiple Ownership Rules, Memorandum Opinion and Order*, 3 RR 2d, 1554, 1562 (1964).

Mitchellville, Iowa. Where there is considerable distance between the parent and the satellite station, we are particularly concerned that the licensee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, UNI has pledged to meet its local service obligations by: (1) conducting on a quarterly basis, through interviews, surveys and other samplings of public opinion, an ascertainment of the interests and needs of the proposed service area; (2) designing programs specifically to meet those ascertained needs; (3) developing advisory input from the Mitchellville residents and originating some programming from the Mitchellville area using remote origination equipment; (4) establishing a toll-free telephone line from Mitchellville to the KUNI(FM) main studio; and (5) establishing and maintaining a public inspection file in Mitchellville.

Under these circumstances, we are persuaded that UNI will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind UNI, that, notwithstanding its commitment to maintain a public inspection file in Mitchellville, it must also maintain a public file for the Mitchellville, Iowa station at the main studio of the parent station, KUNI(FM), Cedar Falls, Iowa. It must also make reasonable accommodation for listeners wishing to examine the files contents. *See Reconsideration Order*, 14 FCC Rcd at 11, 129, ¶45. We further remind UNI that, notwithstanding the grant of the waiver requested here, the public file for the station must contain the quarterly issues and programs list as required by 47 C.F.R. § 73.3527(e)(8).

We have reviewed UNI's application and find that it complies with all pertinent statutory and regulatory requirements. Additionally, our evaluation reveals that grant of the application will further the public interest, convenience and necessity. Accordingly, the application (File No. BPED-19980319MQ) of University of Northern Iowa for a new noncommercial educational FM station in Mitchellville, Iowa, as well as its request for waiver of 47 C.F.R. § 73.1125, IS GRANTED.

Sincerely,



Peter H. Doyle, Chief
Audio Division
Media Bureau